(33)

HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No.5348 of 2007

PETITIONER

Aajuram S/o Jhanduram, aged about 35 years, R/o village Kathotiya, Janpad Panchayat Lormi, District Bilaspur C.G. (Complainant/appellant)

VERSUS

RESPONDENTS

1. Resham Lal S/o Balbhara, Sarpanch Gram Panchayat Kathotia, Janpad Panchayat Lormi, district Bilaspur (C.G.) (Non applicant/respondent No. 1)
2. Johitram S/o Rama Gond, R/o Kathotia, Janpad Panchayat Lormi, district Bilaspur C.G. (Non applicant/respondent No.2)
3. Babloo Jaiswal S/o Ramgopal, R/o Kathotia, Janpad Panchayat Lormi, District Bilaspur C.G. (Non applicant/respondent No. 3)
4. Fatte Patel, Occupation Up Sarpanch Gram Panchayat Kathotia, Janpad Panchayat Lormi, district Bilaspur (Non applicant / respondent No. 4)
5. The Additional Collector Bilaspur, District Bilaspur (C.G.)
6. Sub Divisional Officer, (Revenue) Sub Division Lormi, District Bilaspur (C.G.)
7. Gram Panchayat Kathoriya, Through the Secretary, Gram Panchayat Kathoriya, Janpad Panchayat Lormi, district Bilaspur C.G.

Petition under Article 227 of the Constitution of India

Present: Shri Rakesh Pandey, counsel for the petitioner.
Shri U.N.S. Deo, Govt. Advocate for the State.

ORAL ORDER
(Passed on 06th September, 2007)

This petition is directed against the order passed by the Additional Collector, Bilaspur who by its order dated 10-04-2006 directed the petitioner to avail remedy of appeal before the Competent Authority.

It has been contended on behalf of the petitioner that neither the appeal nor the revision lies before any authority against the impugned order i.e. resolution passed by the Gram Panchayat. Learned Government Advocate Shri U.N.S. Deo agrees with the aforesaid proposition.

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Accordingly, order passed by the Additional Collector is set aside with a direction that the Additional Collector shall decide the matter afresh on merits in accordance with law.

With these observations, writ petition stands disposed of.

Sd/-
Jagdish Bhalla
Ag. Chief Justice

Kamde